IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4368 of 2006()

CRA.283/2005 of ADDL.DIST. & SESSIONS COURTS (ADHOC), MAVELIKKARA

CC.488/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHENGANNUR

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REVN. PETITIONERS: APPELLANT/ACCUSED 1 & 2

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1. SUNNY JOHN (A1), S/O. LATE JOHN,
   SAJI BHAVANAM, CHENGANNUR VILLAGE,
   ALAPPUZHA DISTRICT.

2. SAJI JOHN (A2), S/O. LATE JOHN,
   SAJI BHAVANAM, CHENGANNUR VILLAGE,
   ALAPPUZHA DISTRICT.

BY ADV. SRI.IYPE JOSEPH

RESPONDENTS: RESPONDENTS/DEFACTO-COMPLAINANT & STATE

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1. MARIAMMA ESSOW, W/O. KOSHY ESSOW,
   KOLAKOMBIL HOUSE, MUNDANCAVU MURI,
   CHENGANNUR VILLAGE & TALUK,
   ALAPPUZHA DISTRICT.

2. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

R2-BY P.P.SRI. C.M.KAMMAPPU

R1-BY ADV. SRI.V.MANOJ KUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. THANKAPPAN, J.

Crl.R.P.No.4368 OF 2006

Dated this the 8th day of December, 2006.

O R D E R

This Criminal Revision Petition is filed by the revision petitioners who are accused 1 and 2 in C.C.No.488/2000 on the file of the Judicial Magistrate of First Class-I, Chengannur. The revision petitioners along with the 3rd accused were charge sheeted by the Additional Sub Inspector of Police, Chengannur for the offences punishable under Section 420 read with Section 34 of I.P.C. The revision petitioners alone faced trial as the case against the 3rd accused was split up as he was absconding during the trial of the case. The trial court after having considered the prosecution evidence found the petitioners guilty of the offences charged against them and convicted them thereunder and sentenced to undergo S.I for a period of one year each and to pay a fine of Rs.5,000/= each, and in default of payment of the fine to undergo S.I for a further period of two months each. The above conviction and sentence ordered by the trial court have been challenged in Crl.A.No.283/2005

before the Sessions Court. By the judgment dated 27th September, 2006 of the Additional District and Sessions Judge, Fast Track (Adhoc), Mavelikara, the findings, convictions and the sentences awarded were confirmed and hence this revision is filed by the petitioners.

2. When the revision petition came up for admission, the 1st respondent, who is the defacto complainant in the court below, is also represented by a counsel of this Court and both the revision petitioners and the 1st respondent have filed Crl.M.A.No.12648/2006 for compounding the offence as per the provisions of Section 320(B) of the Code of Criminal Procedure. This court had perused the records of the revision and also the application for compounding. As both the revision petitioners and the 1st respondent have settled the case out of court, this Court is of the view that the case can be compounded. Accordingly, this Criminal Revision Petition is disposed of by ordering that the criminal case has been settled out of court and the

petitioners are entitled for acquittal as aforesaid.

Ordered accordingly.

K. THANKAPPAN, JUDGE.

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